

### **REMARKS/ARGUMENTS**

These remarks are responsive to the non final Office Action mailed January 20, 2006 regarding election of species from a prior election. Applicant notes that claims 18-22, 24, 25, 28-29, and 45-54 are pending for examination in this application. The new claims 60-63 were renumbered to 51-54 respectively.

#### *Election/Species*

New claims 45-54 are readable on elected Species XV – Figures 21-22.

#### *Interview*

Applicant's representative wishes to express appreciation for the Examiner to grant an interview of July 8, 2005. While no agreement was reached it is believed that prosecution has been advanced.

#### *Claims*

Claims 18-22 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,248,459 to Pate et al. that discloses the use of flexible corrugated conduit sections (10) and straight connector sleeves for a wiring system. In the Office Action, it was asserted that the corrugated sections (10) anticipate the curved elongated bodies having predetermined bends that are recited in claims 18 and 28. Clearly, Pate et al. fails to disclose a guiding and supporting member for maintaining a flexible member at a predetermined minimum bend radius, said guiding and supporting member comprising a curved \_tubular elongated body having a predetermined bend between first and second ends, the first end including a collar comprising a first circumferential flange, a second circumferential flange and a seat extending between said flanges; wherein the body and collar form of a one piece construction as recited claim 18.

Since the conduits of Pate are free to assume any one of multiple angles, they do not include predetermined bend as recited in claims 18 and 28. Additionally the conduit construction of Pate is not a one-piece construction as recited in claim 18.

Regarding claim 28, Pate fails to disclose a sweep for being used with a guiding and supporting member to maintain a flexible member at a predetermined radius, said sweep comprising a curved elongated body having a predetermined bend, a passageway and first and second ends for being securely retained within an aperture of a respective guide, said first and second ends each including a collar having a first circumferential flange, a second circumferential flange and a seat extending between said flanges for removably receiving a portion of the respective guide. There is no sweep in Pate. Furthermore, there is no **guide** as recited. Thus, Pate can not disclose the feature of **“a seat extending between said flanges for removably receiving a portion of the respective guide.”** The Office Action fails to mention or provide any support in Pate for the recited **“guide”**. Pate fails to disclose each and every feature of the sweep as recited in claim 28. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Additionally, Applicants point out that “[f]or a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art.” *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). In view of the foregoing, claim 28 is allowable. Claim 63 is allowable as being dependent upon base claim 28.

Claim 24-25 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 4,259,066 to Pietschmann or by U.S. Pat. No. 5,577,772 to Kaiser. Regarding to claim 24, both Pietschmann and Kaiser fail to disclose a guiding and supporting member for maintaining a

flexible member at a predetermined minimum bend radius, said guiding and supporting member comprising an elongated tubular body having a first end, a second end, the tubular body having a curve between the first end and the second end and at least one roller positioned between said first and second ends on the curve, the tubular body having an opening and a portion of the least one roller extending into the opening, the first end comprises a collar comprising a first circumferential flange, a second circumferential flange and a seat extending between said flanges.

For example, Pietschmann and Kaiser are devoid of (1) a tubular body having a curve between the first end and the second end and at least one roller positioned between on the curve said first and second ends and (2) the tubular body having an opening and a portion of the least one roller extending into the opening. There is no disclosure of the recited device features of claim 24. *See, e.g., Richardson v. Suzuki Motor Co.*, 868 F.2d at 1236. Accordingly, claim 24 is allowable. Claim 25 is allowable as being dependent upon base claim 24.

Claim 28-29 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,577,772 to Kaiser. Regarding claim 28, Kaiser fails to disclose a sweep for being used with a guiding and supporting member to maintain a flexible member at a predetermined radius, said sweep comprising a curved elongated body having a predetermined bend, a passageway and first and second ends for being securely retained within an aperture of a respective guide, said first and second ends each including a collar having a first circumferential flange, a second circumferential flange and a seat extending between said flanges for removably receiving a portion of the respective guide.

Regarding claim 29, Kaiser fails to disclose a sweep for maintaining a flexible member at a predetermined radius, said sweep comprising an elongated tubular body including a plurality

of rollers spaced along its length, a passageway and first and second ends for being securely retained within an aperture of a respective guide, said first and second ends each including a collar having a first circumferential flange, a second circumferential flange and a seat extending between said flanges for removably receiving a portion of the respective guide.

There simply is no sweep in Kaiser. Furthermore, Kaiser's embodiments do not have a **guide** as recited. Hence, Kaiser can not disclose the feature of **"a seat extending between said flanges for removably receiving a portion of the respective guide."** The Office Action fails to mention or provide any support in Kaiser for the recited **"guide"**. Kaiser fails to disclose each and every feature of the sweep as recited in claims 28 and 29. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Additionally, Applicants point out that "[f]or a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art." *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). In view of the foregoing, claim 28 and 29 are allowable. The claims depending therefrom are allowable.

#### **New Claims (45-53)**

The Office Action cited both Pietschmann and Kaiser regarding rollers for some guiding and support member or sweep (Kaiser). Applicant disagrees with the characterization of the references. Nevertheless, both references fail to teach or suggest the invention of claim 45. There is no (1) an elongated tubular body defining a passageway for the flexible member, tubular body being curved at a predetermined radius; (2) at least one roller body disposed along a length of the tubular body; wherein the tubular body has an opening in which at least portion of the

roller body extends within the opening so that for the flexible member can travel thereon.  
Claim 45 is allowable. Claims 46-61 are allowable as being dependent up allowable claim 45  
and for further features recited therein.

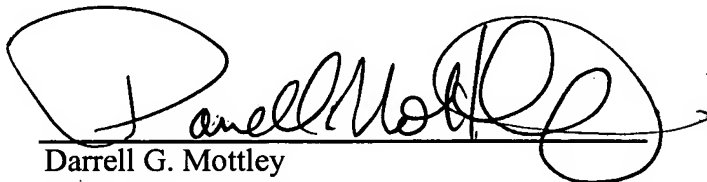
### CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is in condition  
for allowance. Should the Examiner believe that anything further is desirable in order to place  
the application in better form for allowance, the Examiner is respectfully urged to contact  
Applicants' undersigned representative at the below-listed number. If any additional fees are  
required or if an overpayment has been made, the Commissioner is authorized to charge or credit  
Deposit Account No. 19-0733.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

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By:

  
Darrell G. Mottley  
Registration No. 42,912

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001